IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 198 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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AHMEDBHAI RASULBHAI VORA

Versus

BHATHIBHAI JIVABHAI GOHEL

Appearance:

1. Appeal from Order No. 198 of 1998

MR DC DAVE for Petitioner No. 1

RULE SERVED for Respondent No. 1-2

MR NALIN K THAKKER for Respondent No. 3-4

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 20/09/2001

ORAL JUDGEMENT

1. The appellant - plaintiff has filed this Appeal against the impugned order dated 18.3.1998 passed by the learned Joint Civil Judge (SD), Anand below Application

Ex.5 in Special Civil Suit No.131 of 1991 whereby the learned Judge dismissed the Application Ex.5 and vacated the ad.interim injunction granted earlier on 11.9.1991 below Ex.5.

2. This Appeal was straightway admitted on 5.5.1998 by the learned Single Judge of this Court and on Civil Application No.4170 of 1998 while issuing the Notice to the other side on 5.5.1998 the learned Single Judge granted order of status-quo and directed the respondents not to transfer or alienate the property in question till the final disposal of the main Appeal from Order. The said order continued till today.

3. It was agreed by the learned Counsel for the parties that this Appeal be disposed of without going into the legality and validity of the order passed by the learned trial Judge below Ex.5 with direction to the learned Judge to decide Special Civil Suit No.131 of 1991 as early as possible and till then the order of status-quo granted by this Court on 5.5.1998 in Civil Application No.4170 of 1998 be continued.

4. Special Civil Suit No.131 of 1991 is old one. Having regard to the peculiar facts and circumstances of the case this Appeal is disposed of without going into the legality and validity of the impugned order passed by the learned trial Judge below Ex.5 with direction to the learned trial Judge to dispose of the Special Civil Suit No.131/91 as early as possible and not later then 31st March 2002. The parties shall maintain status-quo as ordered earlier by this Court on 5.5.1998 till the final disposal of the Suit. The parties shall fully cooperate with the final disposal of Suit.

If the trial Court is not in a position to dispose of the Suit as directed above latest by 31st March 2002 because of the non-cooperation of the plaintiff, then the interim relief granted earlier which is ordered to continue till the final disposal of the Suit shall stands vacated on 31.3.2002.

As the main Appeal is disposed of, Civil Application No.4170 of 1998 will not survive. The same is accordingly disposed of.

sd/-

Date : September 20, 2001 (B.J.Shethna, J.)

sas